

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Civil Revision No.6780 of 2016 (O&M)
Date of Decision:October 07, 2016.**

M/s Espire Infolabs Pvt. Ltd.

.....PETITIONER(s).

VERSUS

Sadhana Foundation

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Aggarwal, Senior Advocate with
Mr. Vikas Mohan Gupta, Advocate
for the petitioner (s).

SURINDER GUPTA, J.

This is revision against the order dated 17.09.2016 passed by the Rent Controller, Gurgaon to the extent it dismissed two applications filed by the revision petitioner, seeking impounding of lease deed dated 01.01.2013; to forward the same to Collector for adjudicating deficiency of stamp duty/penalty/registration charges etc., and second application for sending the said lease deed to Forensic Science Laboratory, Madhuban for analysis and comparison of signatures of Mr. Gagan Oberoi.

The applications were dismissed by the Rent Controller being not maintainable at this stage and rightly so because the case is at initial stage of assessment of provisional rent. The lease deed, if having inadequate stamp, will be impounded at appropriate stage of the case and if it is result of fraud, party alleging so is required to prove its plea by leading evidence. At the stage of assessing provisional rent, the Rent Controller was not required to allow the relief as claimed by the revision petitioner.

Learned counsel for the revision petitioner has argued that the Rent Controller observed in para 12 of the order that the revision petitioner is at liberty to move application before the Collector regarding inadequacy of stamps on the lease deed.

It appears that the above observations were made in view of the request made by the revision petitioner for sending the lease deed to the Collector for adjudicating inadequacy of stamp duty/penalty/registration charges. Learned Rent Controller refrained himself to give finding on merits on this plea raised by the revision petitioner.

It is quite strange that the petitioner is pressing the Rent Controller to impound the document before it is tendered in evidence and to send it to the Forensic Science Laboratory for comparison of signatures. When a party to lis raises plea of a document being forged, the onus lies on it to prove its plea. The issues are yet to be framed and at appropriate stage, the petitioner may move the application for leading the evidence on impounding of any document or proving that it is a fake document.

This revision petition has no merits.

Dismissed with the observation that nothing contained in the impugned order passed by the Rent Controller will be deemed as expression of opinion on merits.

October 07, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***